

**UNITED STATES BANKRUPTCY COURT
WESTERN DISTRICT OF NEW YORK**

In re

Beary Good, Inc.,

Debtor.

Chapter 11 - Sub-chapter V

Tax I.D. No. 46-2663903

Case No.: 1-24-10579-CLB

Assigned Judge: Carl L. Bucki

***EX-PARTE* APPLICATION FOR AN ORDER (BANKRUPTCY RULE 9006 AND 9007)
SHORTENING AND LIMITING NOTICE AND SCHEDULING
AN EXPEDITED HEARING FOR DEBTOR'S REQUEST FOR INTERIM
AUTHORITY TO USE CASH COLLATERAL**

PLEASE TAKE NOTICE, the Debtor-in-Possession, Beary Good, Inc. (the "Debtor"), through its proposed counsel, Michael A. Weishaar, Esq. has filed an Emergency Motion of the Debtor for Interim and Final Authority to Use Cash Collateral and Seeking Entry of an Order Establishing Dates for Hearings Thereon and Prescribing Appropriate Notice Thereof, dated May 30, 2024 (the "Emergency Motion") and, out of an abundance of caution, in the event the Debtor cannot convene the secured creditors for an emergency hearing, the Debtor seeks an Order Shortening and limiting notice and scheduling an expedited hearing for Debtor's request for interim authority to use cash collateral, in support of its application pursuant to Rules 9006 and 9007 of the Federal Rules of Bankruptcy Procedure, and support thereof, states as follows:

1. Debtor filed a voluntary petition for relief under Chapter 11 of the Bankruptcy Code on May 23, 2024 (the "Filing").
2. The Debtor is a privately-owned corporation, in which 100% of the stock is owned by its Principal, with its primary place of business in Depew New York and its principal assets located in Erie County. The Debtor is in the business of owning and operating a restaurant and activities incidental thereto.
3. The Debtor filed its Chapter 11 petition as a result of pending litigation seeking a judgment on a lease of a non-debtor, upon which the Debtor filed a guarantee.
4. The Debtor filed the Emergency Motion on May 29, 2024 but, as of the date of this motion, has been unsuccessful assembling the necessary parties to appear at a hearing on Debtor's Emergency Motion.

5. The Debtor requires use of cash collateral for those expenses projected in the budget annexed thereto as Exhibit “A” to the Emergency Motion.

6. Through this motion, the Debtor seeks a date and time for a hearing on the Debtor’s request for the entry of an Order for the interim use of cash collateral.

7. The authorization for leave to use the cash collateral of the secured creditors is necessary to continue operations of the Debtor as a going concern.

8. Use of cash collateral will permit Debtor to meet the costs of overhead, operations and preservation of the secured creditors' collateral

9. The proposed *Amended* Notice of Motion of the Debtor for for Interim Use Cash Collateral and Seeking Entry of an Order Establishing Dates for a Hearing on Final Authority to Use Cash Collateral, dated May 30, 2024 is attached hereto as Exhibit “A.”

10. The Debtor submits that:

- a. creditors with an interest in cash collateral be served by overnight mail no later than May 30, 2024,
- b. other interested parties, including the 20 largest unsecured creditors be served by first class mail no later than May 30, 2024, and
- c. counsel for the secured creditors be served with electronic notice of the Motion; and, notice to these creditors, in the manner prescribed, is sufficient for the hearing on interim use of cash collateral.

WHEREFORE , the Debtor respectfully requests that the Court enter an Order substantially in the form of Exhibit “B”, limiting notice and scheduling an expedited interim hearing on the Debtor’s Motion for Interim and Final Authority to Use Cash Collateral and Seeking Entry of an Order Establishing Dates for Hearings Thereon and Prescribing Appropriate Notice Thereof and further relief as is just and proper.

Dated: May 30, 2024
Buffalo, New York

GLEICHENHAUS, MARCHESE & WEISHAAR, PC

By: s/ Michael A. Weishaar
Michael A. Weishaar
Attorneys for the Debtor
930 Convention Tower
43 Court Street
Buffalo, New York 14202
(716) 845-6446